

REMARKS

Claims 16-21 stand rejected under 35 U.S.C. 112, first paragraph. The assembly of the carton is described in the specification, for example, at page 13, line 7 - page 15, line 6. Proposed new Figures 8-11 illustrates assembly steps for assembly of the carton.

Claims 9-21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 9, 13 and 17 have been amended to address the rejections. With respect to the reject of claim 16, the terms "substantially coplanar arrangement" are used to describe the relative relationship between the front and primary side panels. With respect to the rejection of claim 18, the collapsed state is defined in the claim as being when the front and primary side panels are substantially coplanar and the back and tertiary side panels are substantially coplanar, and the front and primary side panels and the back and tertiary side panels are generally adjacent. The specification describes a particular embodiment of a collapsed state, for example, at page 13, line 7 - page 14, line 25.

Claims 1-3, 8, 13-14, 16-20 and 22-23 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,593,908 to Desmond. The Applicant respectfully submits that Desmond does not disclose or suggest the invention as presently recited in claims 1-3, 8, 13-14, 16-20 and 22-23.

With respect to claim 1, Desmond does not disclose a rectangular carton configured for automated loading of a product comprising top and bottom panels, a pair of side panels, front and back panels and a window opening in the front panel accessible via a hinged panel, the hinged panel having a side portion being slidable in a substantially protected region between the side panels and a secondary panel substantially similar in length to the side panel. With respect to claim 8, Desmond does not disclose a door having a first portion slidable between substantially adjacent second and third panels being substantially similar in length. With respect to claim 13, Desmond does not disclose a carton having side portions of the door slidable between two substantially adjacent panels of the carton being substantially similar in length to limit or avoid product interference. With respect to claim 21,

Desmond does not disclose means for limiting interference between the product and the first and second side portions of the door along the length of the side panels.

Instead, Desmond discloses inner flaps that extend partially along the length of the side panels, thereby not fully protecting the bin side panels and allowing for product interference, either with the side panels or with the minor panels. Desmond discloses a first carton blank in Figure 2, and a second carton blank in Figure 11. When the carton blank of Figure 2 is folded into a carton, neither stiffener flaps 46 nor 48 have substantially the same length as the side panels 34. When the carton blank of Figure 11 is folded into a carton, side panels 34 and 56 are folded against each other. The inside surface of panel 56 has stiffener flaps 46 and 48 folded thereagainst, thereby exposing the comparatively short stiffener flaps 46 and 48 to the interior of the carton. The comparatively shorter stiffener flaps of both of these carton embodiments of Desmond have exposed edges upon which food products can catch, and can potentially deform and restrict insertion and removal of product from the carton, along with potentially hindering opening and closing of the bin.

With respect to claim 16, Desmond does not disclose positioning secondary side panels adjacent to primary side panels while a front panel and the primary side panels are substantially coplanar, where each of the secondary side panels is connected to one of the primary side panels. Desmond discloses a front panel 16 having side panels 34. The door 32 has side portions 42. When the carton is assembled from the blank shown in Figure 2, the front and side panels of Desmond are substantially coplanar. However, the panels 48 and 46 are not connected to the side panels 34, and cannot be positioned over the side panels 34, and adjacent portions 42, when folded along the fold lines disclosed in Desmond. As shown in Figure 11 of Desmond, the side panels 56 and 34 are not connected along their edges.

Claims 1-3, 8 and 13-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,684,792 to Kraus. The Applicant respectfully submits that Kraus does not disclose or suggest the invention as presently recited in claims 1-3, 8 and 13-14.

Appln. No. 09/996,347
Amdt. dated Oct. 6, 2003
Reply to Office Action of May 6, 2003

With respect to claim 1, Kraus does not disclose a rectangular carton configured for automated loading of a product and formed from a single carton blank having a window opening in a front panel accessible via a hinged panel where the hinged panel has a side portion being slidable in a substantially protected region between a side panel and a secondary panel substantially similar in length to the side panel. With respect to claim 13, Kraus does not disclose a method of loading product into the interior of a carton formed from a single carton blank. Instead, Kraus discloses a first embodiment in which the wings 26 and 27 do not slide between side panels and are not protected from product interference. In the second embodiment disclosed by Kraus, the wings 66 and 67 slide between side panels but the hopper member is a separate unit inserted into the end of a carton in a telescoping manner. Therefore, this configuration is comprised of two separate cartons and is clearly not formed from a single carton blank.

With respect to claim 8, Kraus does not disclose a door having a first portion slidable between substantially adjacent second and third panels being substantially similar in length to reduce product interference, where the second and third panels being adjacent to a fourth panel which is connected to the first panel. Instead, the second embodiment of Kraus merely discloses door wings 66 and 67 which are slidable between panels 62 and 48, and between 61 and 49, respectively.

Claims 4-5, 9-12, 15, 21 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond in view of U.S. Patent No. 1,616,707 to Tanner. In view of the above discussion with regard to claims 1, 8, 13, 16 and 22 with respect to Desmond, it is respectfully submitted that claims 4-5, 9-12, 15, 21 and 24 are not unpatentable in view of the cited art.

In addition, claims 4-5, 9-12, 15, 21 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond in view of either U.S. Patent No. 1,616,707 to Tanner or Adams (Body Smarts). In view of the above discussion of Desmond, it is respectfully submitted that claims 4-5, 9-12, 15, 21 and 24 are not unpatentable in view of the cited art.

Claims 6-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Desmond in view of Tanner or Adams, and further in view of U.S. Patent No.

Appln. No. 09/996,347
Amdt. dated Oct. 6, 2003
Reply to Office Action of May 6, 2003

1,142,020 to Carver. In view of the above discussion with respect to Desmond, it is respectfully submitted that claims 6-7 are not unpatentable in view of the cited art.

Claims 4-5, 9-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraus in view of U.S. Patent No. 3,568,911 to Bebout. In view of the above discussion with regard to Kraus, it is respectfully submitted that claims 4-5, 9-12 and 15 are not unpatentable in view of the cited art.

For the reasons set forth above, the Office Action's rejections are respectfully traversed and the claims are believed to be allowable. Reconsideration and allowance of the application are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

Jon A. Birmingham
Registration No. 51,222

Date: October 6, 2003
FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle St., Suite 1600
Chicago, Illinois 60603
Telephone: (312) 577-7000
Facsimile: (312) 577-7007